

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-cr-93

v.

HON. JANET T. NEFF

MATTHEW BRYAN SLAUGHTER,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Matthew Bryan Slaughter has filed a motion for modification or reduction of sentence (Dkt 83) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 89) finding defendant ineligible. Defendant has filed a brief in Response (Dkt 90) acknowledging that defendant is not eligible for a sentence reduction at this time.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

The defendant is ineligible for reduction in sentence as he was originally sentenced below the new reduced guideline range. A reduction of sentence in this case is inconsistent with the policy

statements of the U.S. Sentencing Commission. Defendant wishes to preserve the issue for future consideration should the law change.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 83) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: August 17, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge